UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/698,708	10/27/2000	Srihari Kumar	P3937	6134

24739	7590	07/05/2006	

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EXAMINER
POINVIL, FRANTZY

ART UNIT	PAPER NUMBER
3628	

DATE MAILED: 07/05/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
Office Action Summary	09/698,708	KUMAR ET AL.
	Examiner	Art Unit	
	Frantzy Poinvil	3628	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on *20 April 2006*.

2a) ☐ This action is **FINAL**.   2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) *1-9,11-16 and 18-26* is/are pending in the application.

     4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) *1-9, 11-16 and 18-26* is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

     a) ☐ All   b) ☐ Some * c) ☐ None of:

         1. ☐ Certified copies of the priority documents have been received.

         2. ☐ Certified copies of the priority documents have been received in Application No. _____.

         3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

     * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
     Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
     Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1.   Applicant's arguments filed 4/20/2006 have been fully considered but they are

not persuasive.

2.   The Examiner's Response to the arguments presented 4/20/2006 is incorporated

into the rejection found below.

Claim Rejections - 35 USC § 103

3.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-9 and 11-16, and 18-26 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Northington et al (US Patent No. 6,128,602) in view of Atkins (US

Patent No. 5,875,437).

As per claims 1-8 and 11-16 and 18-26, Northington et al disclose most of the

claimed features. Northington et al disclose an open architecture system for

automatically consolidating information from a plurality of financial systems or financial

service providers into single accounting systems and for reporting and transferring

financial information in response to a user request. See the abstract. The system

enables a user to monitor, track and review financial transactions. The system also

comprises a plurality of modules, each module having a distinct display interface

providing interactive elements for a user to view and manipulate data from individual

ones of the plurality data sources. Applicant is directed to figure 1, column 5, line 35 to

column 6, line 40.

The system further includes one or more of a calendar module for enabling

viewing and manipulation of time and date sensitive calendar data, a transaction

module for enabling viewing and manipulation of financially oriented account data, a

portfolio tracking module for enabling viewing and manipulation of investment oriented

account data, a networth reporting module for displaying a solution oriented networth

report compiled from the aggregated data, a bill payment module for enabling viewing

and initiation of payment action regarding current billing data and an account alert

module for reporting time and event sensitive account alerts related to changes in

account data. See column 5, line 15 to column 6, line 40.

The system also includes means for providing additional display interfaces

launchable form individual ones of the plurality of control report modules the display

interfaces containing interactive links to utilities for configuring the aspects of data

display and for ordering transactions through the modules and rendering the network

interface vehicle accessible to the user operating a remote data access device

connected to the network. Applicant is directed to columns 5-8 of Northington et al.

Users access the system via the INTERNET using a personal computer, Web

page or browser. Northington et al also disclose a database reporting software for

accepting input from the software interface through individual ones of the control and

report modules and for performing calculations, and ordering transactions based on the

received input. Applicant is directed to column 7, line 45 to column 8, line 18.

The aggregated data are personalized to an accessing user and limited to

display in a personalized interface. Note column 14, lines 15-20 and column 15, line 38

to column 16, line 40.

Applicant generally argues that Northington et al fail to teach or suggest a cross-

linked module and/or the features of cross-linking of data found in the different claimed

modules.

Atkins discloses a system and method for effecting personal financial analysis,

planning, and management incorporating a digital system of electronic exchange,

investment and borrowing with means of implementing, coordinating, supervising,

planning, analyzing and reporting upon an array of asset accounts such as investments

and liability accounts such as credit facilities. The apparatus comprises a wide area

network of digital computation and communication instruments, including various

personal digital assistants that may be linked to central processors and data storing

facilities. See column 7, lines 19-29 of Atkins. Atkins further states consolidating and

integrating the financial information received from the various sources. See column 9,

lines 25-39, column 10, lines 51-55 and claim 17 of Atkins.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teachings of Atkins into Northington et al in order to provide clients with a detailed analysis of all their financial information at a glance.

Applicant's representative has amended the independent claims by reciting "wherein the data sources are external business Web sites where individual users hold accounts requiring at least the indivudual's user name and password to access the data and the software modules are selectively interlinked and enabled to communicate with modules exchanging data in such a way that data incorporated in the software modules may be affected by actions performed in the other related modules, and the user is enabled to navigate and conduct transactions and reporting between the modules via the single user interface" and argued that the combination of Northington and Atkins fails to teach or suggest this limitation.

In response, Northington disclose that a user has various different accounts located in various different financial institutions such as banks (see column 8, lines 1-7 and lines 47-59 and column 9, line 49 to column 10, line38 of Northington). A user or customer having authorized access to a financial institution where the user's account is held would have been obvious to one of ordinary skill in the art to include therein for security purposes. Furthermore, these are well known features of banks or credit card service providers which provide security features to their customers. In the system of Northington, various separate entities such as banks or other financial sources hold accounts for various different individuals. These financial information are gathered and formatted into a report for transmission to a requested individual.

Applicant then argues that the combination of Northington and Atkins does not access the data from the Internet or from data sources via URLs.

In response, Northington clearly teaches a user browses the Internet and collects their financial information from a remote data sources. Atkins teaches a user accessing financial information using a network from various different types of financial sources. See the abstract of Atkins.

Applicant's representative then argues there is no motivation for software modules in the system of Northington to communicate because all entities and data sources in the system of Northington are internally controlled.

In response, Atkins discloses a system and method for effecting personal financial analysis, planning, and management incorporating a digital system of electronic exchange, investment and borrowing with means of implementing, coordinating, supervising, planning, analyzing and reporting upon an array of asset accounts such as investments and liability accounts such as credit facilities. The apparatus comprises a wide area network of digital computation and communication instruments, including various personal digital assistants that may be linked to central processors and data storing facilities. See column 7, lines 19-29 of Atkins. Atkins further states consolidating and integrating the financial information received from the various sources. See column 9, lines 25-39, column 10, lines 51-55 and claim 17 of Atkins.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teachings of Atkins into Northington et al in order to provide clients with a detailed analysis of all their financial information at a glance.

Applicant's representative then indicates that the Examiner has not produced adequate art to teach the interlinked modules are enabled to communicate with other modules exchanging data in a such a way that the data incorporated in the interlinked with other modules may be affected by actions performed in other modules.

In response, Atkins clearly teaches "The MyNet.TM. instruments further provide interactive displays and visualization of the results of processing different investment, spending and borrowing decisions to demonstrate the effect of such decisions."

"The system of the present invention utilizes the computation and communications capability of a digital system including a variety of personal digital assistants to send and receive data from a myriad of sources. The system then consolidates that information for the benefit of the consumer regardless of the number of institutions with which the individual has account relationships. The digital system of the present invention can receive financial data, consolidate the financial information, analyze the information, recommend specific actions or transactions which optimize an individual's asset/liability allocation, capital budgeting, or portfolio selection, and negotiate with other parties (or other parties' personal digital assistants) to effect a transaction or series of transactions, and report the results to the individual".

"The system of the present invention also offers a means of improved personal financial analysis, planning and management through a fully integrated and interactive means of asset and liability management, capital budgeting and portfolio optimization".

As per claim 9, the financial system and method of Northington et al and Atkins are discussed above. Northington et al and Atkins do not explicitly teach an account-

bookmarks module having at least one interface for listing URLs of the plurality of data sources. The Examiner notes that the system of Northington et al is an Internet based system containg a web browser and the ability to save and list URLs of the plurality of data sources. Haivng an account-bokmarks module as claimed would have been obvious to one of ordinary skill in the art at the time of the invention to provide in the system of Northington et al and Atkins in order to provide a quick storage of the URLs for fast and easy access of the data sources. Northington et al further teach monitoring travel plans. See column 15, lines 38-65. Initiating of travel plans is interpreted as recording the dates intended to travel as such would be done by any party desiring to travel.

As per the limitation of "enabling system navigation, log-in and data access on behalf of the individual user" which is found in claims 9 and 15, Northington et al and Atkins dislcose the central computer provides periodical reports to a user. Thus, in order to access a user's account, a log-in and data access of the accounts related to the user must be done on behalf of the user since it is an automatic function done by the central computer and not by the user/client.

4.   Applicant's representative argues that Atkins fails to teach or suggest interlinking and interoperability between selected software modules and further states that it is unclear as to how the various PDA's may share reporting aspects of aggregated data or enable a user to navigate and conduct transactions.

In response, Northington et al are directed to an open-architecture system which automatically consolidates information from a plurality of financial systems into a single accounting system without the need for expensive and time-consuming backroom procedures. See the abstract.

Atkins has been applied to denote additional teachings of an integration of various software data modules in providing a report to a consumer. Northington et al teach that aggregated data are personalized to an accessing user and limited to display in a personalized interface. Note column 14, lines 15-20 and column 15, line 38 to column 16, line 40 of Northington.

The Examiner has never stated in the prior Office action that the various PDA's share reporting of any aggregated data. In explaining the system of Atkins the Examiner had stated that:

"The apparatus comprises a wide area network of digital computation and communication instruments, including various personal digital assistants that may be linked to central processors and data storing facilities. See column 7, lines 19-29 of Atkins".   This passage indicates that there exists various PDA's in a wide area network that are linked to various central processing and data storing facilities. It was never stated that the PDA's share any information as the applicant is implying. The applicant should refer to the related passage in the prior Office action where it is stated that "Atkins discloses a system and method for effecting personal financial analysis, planning, and management incorporating a digital system of electronic exchange, investment and borrowing with means of implementing, coordinating, supervising,

planning, analyzing and reporting upon an array of asset accounts such as investments

and liability accounts such as credit facilities. Atkins further states consolidating and

integrating the financial information received from the various sources. See column 9,

lines 25-39, column 10, lines 51-55 and claim 17 of Atkins" .

Atkins further states:

"The present invention is a method and apparatus for effecting an improved

personal financial analysis, planning and management system incorporating a digital

system of electronic exchange, investment and borrowing with means of implementing,

coordinating, supervising, planning, analyzing and reporting upon an array of asset

accounts such as investments and liability accounts such as credit facilities".

"The system of the present invention also offers a means of improved personal

financial analysis, planning and management through a fully integrated and interactive

means of asset and liability management, capital budgeting and portfolio optimization".

Further disclosure of a consumer requesting a consolidated report from various

modules is also illustrated in figures 8a-8c of Atkins.

It would have been obvious to one of ordinary skill in the art at the time the

invention was made to incorporate the teachings of Atkins into Northington et al in

order to provide clients with a detailed analysis of all their financial information at a

glance.

5.   Applicant has amended the independent claim to recite:

"wherein the software modules are selectively interlinked and enabled to communicate

with each other in such a way that the related modules may share reporting aspects of

the aggregated data, data incorporated in select modules may be affected by actions

performed in other related modules and the user is enabled to navigate and conduct

transactions and reporting between the modules via the single user interface" and

argues that the combination of Northington et al and Atkins does not teach or suggest

this limitation.

In response, this limitation is clearly the functions of a database in which there

exists a master table with a plurality of slave tables wherein changes in one table will be

reflected in other tables having a linked index or key field. In the combination of

Northington et al and Atkins there exists a plurality of consumer records obtained from

one or more sources which are consolidated into one report for transmission to a

consumer who has made a request. The one or more consumer records would have

included one or more identifiers or key fields associated with the one or more consumer

records for facilitating the retrieving and consolidating of the records into a single

record. The key fields or identifiers of the different data sources or modules would have

performed the functions of the claimed "software modules are selectively interlinked and

enabled to communicate with other related modules in such a way that the related

modules may share reporting aspects of the aggregated data" [wherein the aggregated

data are the collections of data retrieved from the plurality of data sources]. The

claimed limitation of "data incorporated in select modules may be affected by actions

performed in other related modules" is not a positive limitation since the phrasing of

"....may be affected..." does not imply that such a function is being performed. In any

event, the combination of Northington et al and Atkins also performs this function since

data are obtained from various sources and consolidated into a singly report for

presenting to a user or consumer. See column 13, lines 7-14 of Northington et al. and

column 28, lines 1-67 of Atkins. The consumer having a web browser or computer

having window capabilities would have been able to navigate the presented report and

conduct transactions as the user would have desired through the single user interface.

The user of Northington et al and Atkins also performs transactions through the single

user interface. See column 14, lines 5-20 of Northington et al and column 61, lines 33-

46.

Claim Rejections - 35 USC § 101

6. 35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or
> composition of matter, or any new and useful improvement thereof, may obtain a patent
> therefor, subject to the conditions and requirements of this title.

Claims 1-9 and 20-26 are rejected under 35 U.S.C. 101 because the claimed invention is

directed to non-statutory subject matter.

As an initial matter, the United States Constitution under Art. I, Section , cl. 8 gave

Congress the power to "promote the progress of science and useful arts, by securing for limited

times to authors and inventors the exclusive right to their respective writings and discoveries". In

carrying out this power, Congress authorized under 35 U.S.C. §101 a grant of a patent to

"[w]whoever invents or discovers any new and useful process, machine, manufacture, or

composition or matter, or any new and useful improvement thereof". Therefore, a fundamental

premise is that a patent is a statutorily created vehicle for Congress to confer an exclusive right

to the inventors for "inventions" that promote the progress of "science and the useful arts".

Further, despite the express language of §101, several judicially created exceptions have been

established to exclude certain subject matter as being patentable subject matter covered by §101.

These exceptions include "laws of nature", "natural phenomena" and "abstract ideas". See

Diamond v. Diehr, 450, USPQ 175, 185, 209 USPQ (BNA) 1, 7 (1981). However, the courts

have found that even if an invention incorporates abstract ideas, such as mathematical

algorithms, the invention may nevertheless be statutory subject matter if the invention as a whole

produces a "useful, concrete and tangible result." See *State Street Bank & Trust Co. v. Signature*

Financial Group, Inc. 149 F.3d 1368, 1973, 47 USPQ2d (BNA) 1596 (Fed. Cir. 1998).

The language of claims 1-9 and 20-26 recite various types of modules or software(s) for

performing various types of functions. Software or computer program not claimed as embodied

in computer media executable by a processor or a computer are descriptive material per se are

not statutory because they are neither physical "thing" nor statutory processes. Claims 1-9

recite a computer software or various modules for enabling viewing and manipulation of

aggregated data compiled from a plurality of external data sources. Claims 20-26 recite various

interfaces for performing various functions. These modules are softwares for performing the

various recited functions. These modules or software(s) as claimed do not define any structural

and functional interrelationships with a general purpose computer for permitting the claimed

functions to be realized. In contrast, a statutory claim would define structural and functional
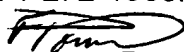
interrelationships between data structures or functional parts and a computer for performing the data functions to be realized. Thus claims 1-9 and 20-26 are rejected as being non-statutory.

Conclusion

7.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to Frantzy Poinvil whose telephone number is (571) 272-6797. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sam Sough can be reached on (571) 272-6799. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Frantzy Poinvil
Primary Examiner
Art Unit 3628

FP
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